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Issue 9

Amending Hilliard's Charter

On March 15, 2016, Hilliard voters will decide on proposed changes to the City's Charter regarding the passage of zoning legislation and the use of state-authorized Tax Increment Financing. The City is providing the information below in response to questions it has received from the public related to the proposed charter amendments.

Two distinct amendments to the City's Charter are contained in Issue 9 as one ballot issue. They are as follows:

1. To enact section 12.09 to increase the referendum period from thirty days to sixty days for all zoning decisions by City Council and;
2. To enact section 12.10 to prohibit the City from using Tax Increment Financing to construct public infrastructure improvements associated with the construction or creation of dwelling units.

In order to explain these two distinct issues, the City of Hilliard is producing two separate documents to address questions raised by the public regarding each proposed amendment to the City's Charter.

The first part of Issue 9

"To enact section 12.09 to increase the referendum period from thirty days to sixty days for all zoning decisions by City Council"

Proposed Charter Language:

"Notwithstanding any other provision of this Charter, a referendum petition on any Zoning Ordinance may be filed within sixty (60) days after passage by the Council of the Zoning Ordinance, in order to afford an opportunity during that period for the filing of referendum petitions thereon. Notwithstanding any other provision of this Charter, a Zoning Ordinance shall not become effective prior to sixty (60) days following its passage by the Council, in order to afford an opportunity during that period for the filing of referendum petitions thereon."

Notwithstanding any other provision of this Charter, no Zoning Ordinance shall be passed by Council on an emergency basis. "Zoning Ordinance" for purposes of this section, means any ordinance or other measure passed by the Council that modifies the City's zoning code or modifies the application of the City's zoning code to any property in the City."

If approved by voters, the amendment would:

Provide for a 60-day waiting period from the date of passage for all ordinances and resolutions that:

- Amend the City’s zoning code
- Modify the zoning code or the application of the zoning code to any property within the City.

The proposed Charter amendment would also prohibit City Council from passing either of those two types of measures as an emergency, making the measures immediately effective.

If not approved:

The 30-day waiting period currently provided for in the City Charter remains. This 30-day waiting period has been in the City’s Charter since its inception in 1981. All other central Ohio communities (with the exception of Worthington) require the same 30-day waiting period for a zoning ordinance to become effective.

What would a charter change mean?

1. The amendment would extend the waiting period from 30 days to 60 days for all rezoning applications for both large and small scale developments and uses.
2. For a property owner that desires to rezone his/her land, or for a buyer that desires to purchase land contingent upon it being rezoned, the owner/applicant will not likely close a sale, and will not start retrofitting or renovating a building, start construction or even demolish an existing building until the passage of 60 days as opposed to the current 30-day waiting period.
3. The proposed Charter amendment is written broadly and encompasses items that are included in parts of the City’s zoning code, but that do not in effect change the zoning use or zoning district of a property. Because it includes the language “**or other measure**” even Resolutions passed by Council that modify a Planned Unit Development (“PUD”) fall under the purview of this proposed charter amendment, so that they would not be effective for 60 days, even if the requested amendment to a PUD is not related to zoning or rezoning land within a PUD.
 - a. As an example, if a property owner filed an application to amend a PUD requirement for a certain type or height of fencing, or to amend the text so that instead of fencing the applicant desires to install mounding and landscaping as a buffer, the property owner/applicant would have to wait 60 days after Council’s approval in order to move forward with this change. Currently, when passed by City Council, this type of amendment is effective immediately as

- passed by a Resolution. The proposed charter change would mean that the property owner would have to wait 60 days to implement the approved change requested.
- b. Other non-minor changes such as altering the layout of multi-use paths, modifying g a setback requirement in a PUD, or adding amenities to a park would have to wait 60 days after passage by Council for that legislation to be effective.
 - c. Request to modify a PUD regarding a variety of other non-minor matters, such as adjusting the number of required parking spaces, adjustment of building setbacks, amending signage, increasing building height by more than five percent, amending a full scape landscape plan, adding multi-use paths, varying from tree replacement requirements, changing the nature of proposed parkland – all of these matters in the zoning text and plans of a PUD that an applicant/owner desires to modify after being zoned as a PUD, would now not be effective for 60 days as opposed to being passed by a Resolution which takes effect immediately.
 - d. As referred to in the examples above, the City’s Codified Ordinances have authorized City Council, after receiving a recommendation from the Planning and Zoning Commission, to amend a PUD by passage of a Resolution of Council. As a Resolution under our current Charter regarding PUD amendments, there are no waiting periods and resolutions become effective immediately. This would change if the proposed charter amendment is passed.
4. Prohibits Council from passing a zoning ordinance by emergency, which would take effect on the date of passage.
- a. Currently emergency legislation is authorized by the City Charter in cases where it is necessary for the immediate preservation of the public health, safety and welfare of the City as determined by Council in the legislation. Under the proposed amendment, this Council, nor any future City Councils, would ever have the ability to use their discretion to determine that a real and present emergency exists that passage of a zoning ordinance is necessary for the health, safety and welfare of the community. An example would be a blighted property that has been vacant for a long period of time or that has become a public nuisance due to fire or lack of continued maintenance. In these instances, the City would be prohibited from exercising any discretion in such matter and the legislation to rezone this blighted or public nuisance property would not take effect for 60 days after passage. Council would be prohibited from rezoning the property by emergency.
 - b. The City of Hilliard has passed zoning legislation by emergency on very few occasions. Three zoning ordinances have been passed by emergency in the past 30 years.

This document is for informational and educational purposes regarding the proposed amendments to the City’s Charter. It is not intended to advocate voting for or against Issue 9.